

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

TERRENCE GILL,
on behalf of himself and
all others similarly situated, :
Case No. C2:05-cv-982

Plaintiff, : Judge Smith
v. : Magistrate Judge Abel

BYERS CHEVROLET LLC :
and

GEO. BYERS SONS HOLDING INC.,
Defendants.

ORDER

On October 27, 2005, the same day this suit was filed, Plaintiff filed a motion to certify a class. This motion was later amended on November 11, 2005 (doc.4), and is now before the Court.

After reviewing the Plaintiff's motion and supporting documentation, the Court finds that the motion is premature as the parties have not yet completed discovery. Plaintiff's supporting brief is factually skeletal and, thus, lacks the evidentiary foundation that is necessary for a ruling that the requirements for class certification are met at this time. In the August 18, 2006 order cancelling Settlement Week Mediation, the parties were directed to contact the Magistrate Judge on or before October 27, 2006 for a status conference regarding discovery. At this conference, the parties can discuss an appropriate time to refile the class certification motion and responses.

For the reasons stated above, Plaintiff's November 11, 2005 Amended Motion for Class

Certification is DISMISSED without prejudice. The Court further orders that the parties participate in a status conference regarding discovery on or before October 27, 2006 with the Magistrate Judge before Plaintiff refiles his motion. S.D. Ohio Civ. Rule 23.3.

/S/ George C. Smith
United States District Judge